

Prior to the invention, as described in the specification under the "Description of the Prior Art", a problem existed when a user wished to obtain service from a packet data network while remaining anonymous or where there was no roaming agreement permitting the user to be billed while roaming from the user's home network to the second network and through which the user is connected to the packet data network. This situation required alternative billing arrangements to which the invention is addressed. See the first full paragraph on page 2 of the specification. This problem pertained to the claimed payment by a user in a first network to a second network through which the user is connected to a packet data network for the connection to the packet data network. This payment is not for the purchase of product or the transmission of funds to a beneficiary entity over a packet data network.

The above distinction is reflected in the independent claims which define a method and system including a user request from a first network regarding authorized connection to a packet data network through a second network. All of the independent claims define an interaction from a user through a first network to a second network including payment thereof to obtain use of the packet data network. Moreover, independent claims 22 and 24 further recite transmitting to the second network at least one request for consumption of at least one service unit and the second network debits from a stored value of service units which are granted to the user a consumed number of service units. This subject matter is also not suggested by the prior art.

In this regard, claim 1 recites "a method of obtaining connection to a packet data network inputting a user request to a first network which requests the user be

authorized for connection to the packet data network through a second network;
transmitting from the first network to the second network the user request and an
authorization of payment to the second network by the first network for the use by
the user of the packet data network; transmitting the second network to the first
network authentication information granting the user authentication to obtain
connection through the second network to the packet data network; and
transmitting the authentication information from the first network to the user which
informs the user that the authentication to obtain connection to the packet data
network has been obtained (emphasis added).

In this regard, claim 21 recites system comprising: a user; a first network
which is connectable to the user; a second network which is connectable to the
first network and to the user; and a packet data network which is connectable to
the second network; and wherein the first network, in response to a user request
to the first network that the user be authorized for connection to the packet data
network through the second network, transmits to the second network the user
request and an authorization of payment by the first network for the use by the
user of the packet data network, the second network transmits to the first network
authentication information granting the user authentication to obtain connection
through the second network to the packet data network, and the first network
transmits to the user authentication information which informs the user that
authentication to obtain connection to the packet data network has been obtained
(emphasis added).

In this regard claim 22 recites a method of obtaining connection to a packet
data network comprising: inputting a user request to a first network which requests

that the user be authorized for connection to the packet data network through a second network; transmitting from the first network to the second network the user request and an authorization of payment to the second network by the first network for the use by the user of the packet data network; transmitting from the second network to the first network authentication information granting the user authentication to obtain connection through the second network to the packet data network; transmitting the authentication information from the first network to the user which informs the user that authentication to obtain connection to the packet data network has been obtained; and after the user is informed that authentication to obtain connection to the packet data network has been obtained, the user transmits to the second network at least one request for consumption of at least one service unit and the second network debits from a stored value of service units which are granted to the user a consumed number of service units (emphasis added).

In this regard, claim 24 recites a system comprising: a user;

a first network which is connectable to the user; a second network which is connectable to the first network and to the user; and a packet data network which is connectable to the second network; and wherein the first network, in response to a user request to the first network that the user be authorized for connection to the packet data network through the second network, transmits to the second network the user request and an authorization of payment by the first network for the use by the user of the packet data network, the second network transmits to the first network authentication information granting the user authentication to obtain connection through the second network to the packet data network, and the

first network transmits to the user authentication information which informs the user that authentication to obtain connection to the packet data network has been obtained; and after the user is informed that authentication to obtain connection to the packet data network has been obtained, the user transmits to the second network at least one request for consumption of at least one service unit and the second network debits from a stored value of service units which are granted to the user a consumed number of service units (emphasis added).

The Examiner acknowledges that United States Patent 6,167,513 (Inoue et al) is deficient in failing to disclose "an authorization of payment". See Section 3 of page 3 of the Office Action.

In paragraph A of the "Response to Arguments", the Examiner asserts as follows:

A. Applicant's argument with respect to the lack of Gifford to disclose in payment for the use of the public packet switched communication. The Examiner disagrees. Because Gifford explicitly discloses in payment for the use of public packet switched communication. See col 12, lines 23-50, col 13, lines 46-67.

An analysis of the claims in column 12, lines 23-50 and column 13, lines 46-67, does not support the Examiner's statement that Gifford "explicitly discloses in payment for the use of public switched communication". Claim 12 in the referenced portion in column 12 says, "said one of said buyer computers being programmed to display...to initiate authorization of purchase of a product having real monetary value advertised in said one of said digital advertisements and in order to initiate recordation of information pertaining to said payment request and an authorization in a settlement database". Furthermore, claim 6 in the referenced portion in column 13 recites "each one of said client computers being

programmed to construct a payment request specifying a payment amount to be transferred from a sender to a beneficiary, and to cause said payment request to be transferred to said payment computer over said public packet switched communications network". It is therefore seen that claims 1 and 6 respectively recite payment for "purchase of a product having real monetary value" and "payment amount to be transferred from a sender to a beneficiary". However, contrary to the Examiner's representation, Gifford does not disclose the claimed payment for the use of public packet switched communication as contended in subsection A and as quoted above from independent claims 1, 21, 22 and 24 wherein the claims clearly recite authorization of payment to the second network by the first network for the use by the user of the packet data network. In other words, the payments disclosed in Gifford, while being transmitted over a public packet switched communications network as recited in claims 1 and 6 thereof, are not for the claimed payment to the second network by the first network for use by the user of the packet data network. Accordingly, the Final Rejection is improper based upon the record not containing any teaching of an authorization of payment by the first network to a second network through which the user is connected to the packet data network for the use by the user of the packet data network. Accordingly, the rejection of claims 1, 13, 21 and 22-25 is improper and should be withdrawn.

Yoon et al have been cited as disclosing an authorization of payment. However, as pointed out in Applicants' previous response, "the authorization of payment [in Yoon et al] is not sufficiently relevant to the subject matter of claims 1, 21, 22 and 24 regarding payments involving transmitting from the first network to

the second network the user request and an authorization of payment to the second network by the first network for the use of the packet data network through the second network by the user to motivate a person of ordinary skill in the art to arrive at the claimed invention". As was pointed out in the previous response, the Web Info Shop 205 of Yoon et al is not analogous to the transmitting from a first network to the second network the user request and an authorization of payment to the second network by the first network for the use by the user of the packet data network as recited in claims 1, 21, 22 and 24.

In Section D the Examiner argues that the combination of Inoue et al, Yoon et al and Gifford does supply the claimed invention. However, as has been pointed out above, Gifford et al does not pertain to the making of payments for usage of the packet data network. Instead, Gifford's usage is for either the payment for a product or payments to a beneficiary which is not a disclosure to a person of ordinary skill in the art which would motivate the modification of Inoue et al, Gifford and Yoon et al to arrive at the subject matter of the independent claims. The only basis to arrive at the subject matter of the claims would be by impermissible hindsight especially in view of the Examiner having no teaching in the record pertaining to the payment for the claimed packet data network.

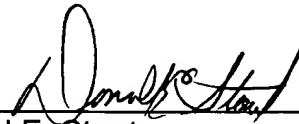
In view of the foregoing remarks, it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the

filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (017.37066X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Donald E. Stout", is written over a horizontal line.

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